

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 13

Mary Charlotte Feteira

Docket No.: 18-23110 (SHL)

Debtor.

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ORDER APPROVING THE SALE OF THE DEBTORS' RIGHT, TITLE AND
INTEREST IN REAL PROPERTY KNOWN AS 226 OLD MILL ROAD, WEST NYACK,
NEW YORK 10994, FREE AND CLEAR OF ALL LIENS AND CLAIMS
PURSUANT TO 11 U.S.C. § 363(b),(f),(h) AND 11 U.S.C. § SECTIONS 506 (a) and (c).

Upon the Motion, dated August 24, 2021 (The "Motion") [Doc 119] of Mary Charlotte Feteira, the Debtor herein (the "Debtor") for an order (1) pursuant to 11 U.S.C. § 363 (b), (f) and (h), and 11 U.S.C. § 506 (a) and (c); approving the sale of her interest in real property located at 226 Old Mill River Road, West Nyack, NY 10994 to ANGEL BATISTA, 1061 Morris Park Avenue, Apartment 1F, Bronx, New York 10461 pursuant to the contract of sale attached to said Motion; free and clear of all liens, claims, interests, and encumbrances therein and thereon of whatever kind or nature except as expressly assumed by the buyer (the "Buyer") under the contract ("Liens and Claims"); and (2) authorizing the Debtor's payment from the sale proceeds of reasonable and necessary closing costs; and upon the Response to the Motion filed by JP Morgan Chase Bank, NA [Doc 121], and upon the record of the hearing held by the Court on the Motion on September 22, 2021, and, after due deliberation, the Court having found and concluded at the hearing that the proposed sale, on the conditions set forth herein, is in the best interests of the Debtor, her estate and creditors and is supported by good business reasons subject to the conditions set forth herein; and the Court also having found and concluded that one or more of the grounds for the sale being free and clear of Liens and Claims under 11 U.S.C. §

363(f) has been satisfied and the buyer under the contract is a purchaser in good faith entitled to the protection of 11 U.S.C. §363(m) and (n); and good and sufficient cause appearing; and no additional notice or hearing being required; it is hereby

ORDERED, that the Motion is granted to the extent set forth herein; and it is further

ORDERED, the sale of the property to the buyer may proceed on the terms set forth in the contract, and the Debtor is authorized under 11 U.S.C. § 363(b) and (f) to sell the property free and clear of all Liens and Claims pursuant to the terms of the contract, with all Liens and Claims to attach to the sale proceeds in the same amount and priority, with the same validity and enforceability, and subject to the same defenses as existed immediately before the closing of the sale; and it is further

ORDERED, that, at the closing of the sale under the contract, the Debtor is authorized to pay all reasonable, ordinary, and customary closing costs from the sale proceeds, including reasonable and customary professional fees directly related to the sale, transfer taxes, and reasonable title charges; and it is further

ORDERED, that, at the closing of the sale under the contract, the Debtor is also authorized and directed to pay, any undisputed debt secured by a valid, perfected, and enforceable lien on the property, in the Order of priority of such liens, and if any amount or asserted lien is disputed in good faith, the Debtor shall cause such disputed amount of the sale proceeds to be held in escrow subject to further Order of this Court or resolution by the parties (and such escrow shall be deemed payment for purposes of title insurance); and it is further

ORDERED, that the balance of the proceeds of the sale at the closing shall be delivered to Krista M. Preuss, Chapter 13 Trustee, 399 Knollwood Road, White Plains, New York 10603, to be distributed in accordance with a confirmed Chapter 13 Plan; and it is further

ORDERED, that counsel for the Debtor shall file a closing statement with the Court and serve a copy on the Chapter 13 Trustee; and it is further

ORDERED, that the 14-day stay of this Order under Fed. R. Bankr. P. 6004(h) is waived, for cause, and this Order is effective immediately upon its entry.

ORDERED, that this Order and the jurisdiction of the Court over the same shall survive any conversion or dismissal of this case.

Dated: White Plains, New York
October 28, 2021

/s/ Sean H. Lane

Honorable Sean H. Lane
United States Bankruptcy Judge